

REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Amendments to Claims

Claim 1 has been amended to recite that the controller includes a “single unitary housing” containing the internal circuit, and from which extends the on/off switch and conductive buttons for coupling with clustered buttons on the garment. In addition, the controller has been recited as being directly mounted on the pants, as illustrated for example in Fig. 1.

Support for the recitation of the “single unitary housing” is found in the original drawings, which clearly show the single unitary housing (un-numbered), with buttons and 23 and switch 24 extending therefrom. Further, the specification states that the controller 2, which includes the housing, is provided with the pulse generating “internal” circuit (see, *e.g.*, page 5, lines 2-19). As a result it is respectfully submitted that the amendments to claim 1 do not introduce “new matter” into the disclosure.

Even though the additions to claim 1 do not introduce “new matter,” the specification has been amended to provide proper antecedent basis for the claim language, namely by changing “controller 2” to –controller including single unitary housing 2–, and by adding the word –direct– before “mount,” on page 4, lines 22 of the original specification. As a result, it is respectfully submitted that the added claim language is fully and properly supported by the current specification, and yet does not introduce any new matter into the disclosure.

2. Interview

The Examiner is thanked for the courtesy extended during an interview on February 10, 2005, at which the Examiner and her supervisor were present.

During the interview, the above claim amendments were discussed in relation to U.S. Patent No. 3,610,250 (Sarbacher), and it was agreed that the amendments would overcome the outstanding rejection based on the Sarbacher patent. The reason is that the Sarbacher patent discloses a “plug” 61 riveted to the garment and a separate controller 81 connected to the plug by a cable. The plug of Sarbacher includes the conductive buttons while the separate controller includes a pulse generating circuit and power switch, and therefore the buttons and switch do not extend from a “single unitary housing” containing the pulse generating circuit, as claimed.

It is noted that the “agreement” was subject to further search and consideration.

In addition to the discussion of prior art, it was agreed that the recitation of the “single unitary housing” did not appear to represent “new matter” because the original drawings show such a housing.

3. Rejection of Claim 19 Under 35 USC §112, 2nd Paragraph

This rejection has been rendered moot by the cancellation of claim 19.

3. Rejections of Claims 1-4, 6-8, and 10-17 Under 35 USC §102(b), and Rejection of Claim 5 Under 35 USC §103(a), in view of U.S. Patent No. 3,610,250 (Sarbacher)

This rejection is respectfully traversed on the grounds that the Sarbacher patent does not disclose or suggest pants with clustered buttons that mount a single unitary controller housing in the manner claimed, by enabling the controller housing to be plugged directly into the buttons, as illustrated in Fig. 1 and recited in claim 1. Instead of a controller with a single unitary housing, the Sarbacher patent discloses mounting of a selector switch 61 to the garment, the selector switch being connected to a separate pulse generating controller by wires 69.

By including the pulse generator in a controller housing that snaps onto the massaging pants, the claimed invention frees the user from being tethered to wires as required by Sarbacher, and from having to find a place to mount the controller, thereby increasing the convenience and

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versatility of the pants while simplifying its construction. Since Sarbacher does not disclose or suggest direct mounting of a single unitary controller housing in the manner recited in claim 1 (much less the circuit components specifically recited in claim 4), withdrawal of the rejection of claims 1-8 and 10-17 under 35 USC §§102(b) and 103(a) in view of the Sarbacher patent is requested.

4. Rejection of Claims 9 and 18 Under 35 USC §103(a) in view of U.S. Patent Nos. 3,610,250 (Sarbacher) and 3,610,250 (Post)

This rejection is again respectfully traversed on the grounds that the Post patent, like the Sarbacher patent, fails to disclose or suggest patents with clustered buttons that connect the conductive strips to a controller, and that also mount the controller housing by enabling the controller housing to be plugged directly into the buttons, as recited in claim 1, from which claims 9 and 18 depend. Instead of a controller housing that plugs into a garment, Post discloses soldering of components directly onto a fabric, or integrating passive electrical components directly into textiles using threads having selected electrical properties (see, the Abstract of Post). As a result, withdrawal of the rejection of claims 9 and 18 under 35 USC §103(a) is requested.

Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to read 'B. Urcia', with a long horizontal flourish extending to the right.

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